

Lake Ripley Management District
Meeting Minutes
March 19, 2005

I. Call to Order & Roll Call

The Lake Ripley Management District (LRMD) Board of Directors convened its regular monthly meeting at the Oakland Town Hall at N4450 CTH A in Cambridge. Chairman Molinaro called the meeting to order at 9:00 a.m. and asked Dearlove to take roll call. Board members present included John Molinaro, Jane Jacobsen-Brown, Pam Rogers (Jefferson County Board Supervisor substituting for Sheri Walz), Dennis McCarthy, Mike Sabella and Gene Kapsner (new Town of Oakland appointee). Derek Hoffman was absent. Others in attendance included Paul Dearlove (Lake Manager), Gary Zibell (Cable TV 12), Roger Rude, Kent Brown, Lydia Falk and Charlie Kisow.

II. Public Comment

Molinaro asked if there were any public comments. Seeing none, he indicated that the Board would be happy to entertain questions or comments that may come up during the course of the meeting.

III. Minutes of Last Meeting

The Board reviewed the minutes of the 12/11/04 meeting and had no additions or corrections. *Sabella moved to approve the minutes as written. Motion was seconded by McCarthy and there was no further discussion. Motion carried by a 6-0 vote.*

IV. Treasurer's Report

Being the first official meeting of 2005, Sabella began by reviewing the 2004 year-end adjusted financial statements for both the LRMD and Lake Ripley Priority Lake Project (LRPLP).

LRMD: As of December 31, 2004, the LRMD had a cash position of \$121,543.83, with a \$14,652.06 receivable due from the LRPLP. There were no outstanding debts. Total assets were \$136,195.89. Total revenues for the year were \$59,481.39, consisting of \$56,481.39 in property taxes, \$2,595.54 in grants, \$693.66 in interest income, and \$225.50 in donations and other income. Total operating expenses were \$17,232.86, including \$3,525.00 for insurance, \$5,656.16 for weed harvesting, and \$8,051.70 for operations. This translated into an operating "profit" (cash receipts over disbursements) of \$42,763.23. There was \$682.84 in other income, and \$20,543.40 in other expenses. Other expenses included \$6,500.00 in LRPLP LAG, \$4,043.40 for the Lake District Preserve, and a \$10,000.00 LRMD ACRA contribution. This resulted in a net profit of \$22,902.67.

LRPLP: As of December 31, 2004, the LRPLP had total assets of \$34,800.19, including \$719.22 in general checking, \$33,880.97 in the Nonpoint Source (cost sharing) account, and \$200.00 in office petty cash. Liabilities totaled \$16,139.34, consisting of \$1,487.28 in accrued payroll taxes that were paid in January 2005, and a \$14,652.06 payable back to the LRMD. Total equity of assets over liabilities equaled \$18,660.85. Total revenue for the year was \$88,208.89. Revenues included \$25,070.50 in state cost-sharing reimbursements, a \$10,000.00 LRMD ACRA (cost sharing) contribution, a \$46,350.00 state grant to cover Project administrative costs, a \$6,500.00 LAG contribution, and \$288.39 in interest income. Total direct costs for cost-sharing projects were \$25,070.50, resulting in \$63,138.39 in revenue over direct costs. Total operating expenses were \$54,361.90, resulting in operating income of \$8,776.49. Other expenses included \$1,928.50 for information and education. Net income was \$6,847.99.

Sabella also presented two-month financial reports for the period ending February 28, 2005, for both the LRMD and LRPLP.

LRMD: Total receipts for the two-month period were \$30,969.97, consisting of \$30,854.74 in property taxes and \$115.23 in interest income. Total disbursements were \$1,172.95. Sabella presented a list of disbursements which consisted primarily of legal expenses. There was a cash balance of \$133,632.90.

LRPLP: Total receipts for the two-month period were \$46,370.52, consisting of a \$46,350.00 DNR grant and \$20.52 in interest income. Total disbursements were \$12,027.28. Sabella presented a list of disbursements which consisted primarily of wages and office expenses. Cash balances were \$52,048.49 in general checking, \$33,894.94 in the Nonpoint Source (cost sharing) account, and \$200.00 in office petty cash. Molinaro pointed out that the DNR grant has remained at its current level since the Priority Lake Project was initiated 12 years ago. He explained that the LRMD has a line item in its

budget to cover the added costs of running the program due to inflation and cost-of-living increases. This shortfall is not expected to be reimbursed by the \$46,350 annual project grant (available until 2007).

McCarthy moved to accept the Treasurer's Report as presented. Motion was seconded by Rogers and there was no further discussion. Motion carried by a 6-0 vote.

V. Project Manager's Report

Dearlove summarized the status of Lake District activities for the period 2/21/05 to 3/19/05, and also distributed copies of his phone logs. In terms of cost-share projects, over 470 ft. of eroding shoreline was repaired in the Cedar Shores area, with only minor touch-up work still left to finish this spring. The Town of Oakland had also signed up to repair and protect 60 ft. of frontage at Beach Ln. Six other shoreline projects are still moving toward completion later this spring and summer.

He announced that the annual "Earth Day" litter cleanup was set for 4/15 from 8:00 a.m. to 3:30 p.m. The cleanup will be hosted by the LRMD, Friends of Cam-Rock Park, Cambridge Aquatic Environmental Club, and Cambridge High School's advanced biology classes. Volunteers will be bused from the high school to various cleanup sites throughout the Lake Ripley/Cambridge area. He said between 100 and 150 students were expected to participate.

Dearlove indicated that plans were underway to resume water quality monitoring following ice-out. Monitoring includes taking Secchi disk clarity readings every two weeks and water chemistry testing once per month. He indicated that McCarthy had graciously agreed to take over as our volunteer lake monitor. Training with the DNR will take place later this spring, and Dearlove said he would be available to assist during each monitoring event.

In terms of education and outreach, Dearlove said a spring edition of the Ripples newsletter had been drafted, and would be distributed by the first of April. He said he was also moving forward with plans to produce a short video tour of the Lake Ripley watershed. The video tour would be used to highlight the work we do on the lake and throughout the watershed to address various issues. It was anticipated that the video could be aired on local cable TV and made available to school groups and other interested individuals. Kapsner said he liked the idea and recommended checking with the local high school to see if students could assist with its production.

Finally, Dearlove informed the Board that a research report had been drafted presenting the findings of our grant-funded aquatic habitat study. The report documents how near-shore aquatic plants, macroinvertebrates, and small fish communities respond to pier shading on both Ripley and Rock Lake. He said the findings broaden our understanding of these cause-effect relationships, and are intended to be used strictly for educational purposes. The study will be published in the Lake and Reservoir Management Journal and presented at the upcoming Wisconsin Lakes Convention.

VI. Old Business

A. Status of Lake Ordinance Recommendations

Molinaro indicated that about 140 public comment forms were returned to the Town of Oakland during its comment period. Of those who took the time to respond, he said that the overwhelming majority were in support of the joint committee's ordinance recommendations. Molinaro explained that the Town Board began to discuss next steps at its March 15th meeting, and voted to approve the recommendation calling for an increase in the public boat launch fees. The Town Board agreed to adopt the annual user fees as recommended, but elected to charge a straight \$5 daily launch fee. Molinaro explained that the other recommendations received little discussion as public debate quickly ensued over the topic of sensitive areas. He said the Town Board eventually chose not to take any further action on the proposals until a second public hearing could be held. A second hearing date was then set for June 21st from 6:00 to 7:00 p.m.

Molinaro and Dearlove both expressed frustration over the Town's handling of the recent public-comment proceedings. By not establishing basic ground rules and hearing protocols, there was concern the proceedings were being allowed to turn into open debates dominated by a few individuals. Molinaro explained that some vocal individuals were permitted to make multiple speeches and ask pointed questions that, at times, bordered on personal attacks. Because the Town did not establish the appropriate formalities to deal with questions, Molinaro said he was often put in the position of having to determine when and if it was appropriate to respond. He said it gave the unfortunate appearance that he was trying to duck the issues. He indicated that the Town Chair had turned down an earlier offer to have the sessions professionally facilitated by a UW-Extension official at no charge. Molinaro then asked for the Board's guidance. He said he didn't want to step on the Town Board's toes or give any appearance that the Lake District was trying to overstep its authority.

Jacobsen-Brown felt it was important that Molinaro, Dearlove and other Board members continue to speak up in defense of the facts as representatives of the Lake District. She said many of these issues have actually been discussed and publicly

debated for years, and that it was due time that action be taken. She also agreed that the hearings should be structured appropriately to maintain fairness and order. McCarthy added that there are proper protocols that govern public hearings. He said that while he has thick skin and welcomes differences of opinion, he didn't think personal attacks were necessary. He pointed out that the committee recommendations were made strictly in the interest of protecting the health and safety of Lake Ripley. Sabella reminded the Board that it is the Town's sole responsibility for running and maintaining control at its own hearings, and that it was not our place to try and dictate hearing structure. He said people should have the opportunity to speak their peace as long as it's done in a controlled environment. Kapsner said the first hearing came off more as an informational meeting to get all sides of the issue out on the table. He felt the process was probably necessary and that the public could still benefit from having more information. He favored having the second hearing in June, and thought Vern Davis and the Town Board would appreciate receiving any suggested hearing guidelines they could consider. Kapsner agreed with Sabella that anyone should be able to make whatever comments they wanted, but that the actual hearing was not the time for questions and answers. Molinaro responded that the public was at a disadvantage by not having actual ordinance changes to consider. He felt the Town could have model ordinances drafted that would offer more specifics and lend themselves to more targeted comment. However, he cautioned that the Town was in a difficult situation since its attorney is also among the most vocal opponents of the recommendations.

Molinaro also accepted comments from members of the public who were in attendance. Kent Brown said it was his experience that past proceedings were quickly taken over by lawyers representing the specific interests of one or two individuals. Lydia Falk felt that everyone, including legal representatives, was entitled to comment as long as it wasn't allowed to turn into debate. She suggested that the LRMD Board band together and encourage the Town Board to enforce appropriate hearing guidelines. Roger Rude felt the public needed more information to be able to fully understand each proposal. He said there were a lot of recommendations and it was hard for people to digest so much information at once. Molinaro thanked everyone for their comments and guidance. He said he would contact the Town Chair to discuss the issue. Kapsner suggested that the Town Board could discuss the matter at its next meeting. Molinaro said he would leave it up to Kapsner and the rest of the Town Board, but offered to participate in any discussions.

B. New Office Location

Molinaro reminded everyone that the LRMD office is now located within the new Oakland Town Hall building at N4450 CTH A. He said the transition had gone smoothly and that the new set up was working out well.

C. Town Hall Rain Gardens

Dearlove announced that concept plans and designs for the Town Hall rain gardens were presented and approved at the last Town Board meeting. A Memorandum of Agreement was signed with the Town to authorize the work, and Midwest Prairies LLC was selected as the lowest responsible bidder to assist with the coordination. He explained that the costs would be covered by a combination of grants, cost-share dollars and volunteerism. Approximately 3,000 plant plugs were ordered and are scheduled for delivery in early June. Site preparation and planting will take place on June 9th and 10th starting at 9:00 a.m. About a dozen volunteers have so far agreed to assist with the planting. He said the community demonstration effort will showcase how native grasses and wildflowers can be used to trap and absorb excess runoff. Rogers asked why the Town decided not to do a native prairie installation in combination with the rain gardens as was previously being proposed. Kapsner responded that the look of a more manicured lawn, along with the two rain gardens, was preferred for the front of the building. However, he noted that there was quite a bit of property behind the building that could eventually be converted to prairie. He said discussion on the idea could resume once the storage shed is built.

D. S.E. Wisconsin Regional Lakes Conference

Molinaro reviewed what happened at the S.E. Regional Lakes Conference that took place in Pewaukee on February 19th. He said the conference was well attended and very well received.

E. NR 115 (Wisconsin Shoreland Zoning Rules)

Molinaro provided an update on the re-writing of NR 115 - Wisconsin shoreland zoning rules. He explained the rule-making process and pointed out that statewide public hearings were to take place later this summer.

F. NR 326 (Wisconsin Pier Rules)

Molinaro provided an update on the re-writing of NR 326 - Wisconsin pier rules, as was legislatively mandated by Wisconsin Act 118. Molinaro participated on the DNR stakeholders committee which came up with recommendations that were recently the subject of public comment. He said the committee reconvened in early March to review public comments and refine their proposed rule changes. The rule package is expected to go to the Natural Resources Board in June. If approved, it would then go to the appropriate legislative committees. Jacobsen-Brown asked whether the typical pier owner would be required to obtain a general permit under the new rules. Molinaro said that would not be the case.

under most situations. He then provided a more detailed explanation of the proposed pier standards and permitting requirements.

VII. New Business

A. Steve Bentz Request for Osprey Platform at Lake Pointe Conservancy

Dearlove summarized Steve Bentz's proposal to erect an osprey nesting platform in the Lake Pointe Conservancy area. He explained that Bentz was not in attendance but had attended the February meeting to respond to questions. Since there was not a quorum, no action could be taken at that time. Molinaro added that Bentz had also been considering alternate locations on private property. Sabella asked about the proposed platform's dimensions which Molinaro and Dearlove attempted to describe. After some discussion and speculation on the details, the Board decided it needed more information from Bentz and moved on to other New Business.

B. Proposed Carp Control Measures at Outlet Channel

Charlie Kisow requested the installation of a carp gate along the outlet channel to prevent carp from migrating up Koshkonong Creek and into the lake. He proposed installing the barrier where the creek flows through a gap in a concrete wall at USH 18. He said he's observed carp moving up the creek and into the lake during high-water conditions. Jacobsen-Brown said she had also witnessed large congregations of carp churning up the lake's nearshore areas. Dearlove said he brought the matter to the attention of the DNR fisheries experts to get their advice. According to the DNR, there were a couple of issues that needed to be addressed. First, the DNR wanted to evaluate the outlet and Koshkonong Creek this year to try and assess the magnitude of the problem. Prior fishery inventories of Lake Ripley have shown the carp population to be under control, with little evidence of in-lake reproduction occurring. If an actual problem is documented, the next step would be to resolve any Chapter 30 issues that govern the placement of structures in navigable waters. Dearlove said he investigated the proposed gate location and felt it would be an ideal site for some kind of carp barrier. He agreed to continue following up on the matter with the DNR.

C. Jefferson County Shoreland Zoning Ordinance Changes

Molinaro announced that some changes to Jefferson County's shoreland zoning rules were recently adopted by the County Board. He said he pushed for the changes after serving on the county's Lake Enhancement Committee which had called for a strengthening of the existing ordinances. A zoning advisory committee comprised of county and lake district officials had drafted the changes which were ultimately adopted. The new rules limit the amount of vegetation that can be removed from the shoreline. They also establish standards for the installation of vegetative buffers that may be required when development is permitted to encroach upon the 75-foot setback. Molinaro indicated that he and Dearlove participated on the committee and that he was very pleased with the outcome. He applauded the efforts of the Jefferson County Zoning and Land and Water Conservation Departments for all their work in getting the rule changes adopted. He felt it was a very positive step toward ensuring the protection of all the county's waterways.

Roger Rude asked if the new rules prevent people from putting in private concrete boat ramps. Molinaro explained that the rules allow access ramps that meet certain dimensional and construction standards. He said new ramps must be vegetated or constructed using turf block, and that concrete and other impervious surfaces would no longer be allowed. Rude asked if anything was going to be done about existing concrete ramps which act as funnels for runoff to the lake. He said that if the homeowners who own the ramps are really concerned about the lake they would make the appropriate modifications. Rude suggested that the Board approach these homeowners to provide the necessary education. Sabella agreed that it was the Board's responsibility to reach out to these individuals. Molinaro said he would work with Dearlove to track down ownership information so letters could be sent to the landowners.

D. Lake District Preserve Improvements

Molinaro asked Dearlove to review the projects that were completed since the start of the year. Dearlove reported that four trailhead kiosks were purchased and will be installed as soon as the ground thaws. Educational materials will be produced in-house for each kiosk. He also reported that invasive woody vegetation that had been encroaching into the marsh was removed. Tree falls were left in deeper water areas, mostly within old drainage ditches, to serve as wood duck habitat. Already dead trees were left in place for cavity nesters. Finally, he noted that the wood duck nesting boxes showed evidence of approximately 30 duckling hatches. An additional 6 wood duck houses and 12 bluebird houses will be erected by the Cambridge Aquatic Environmental Club students this spring.

E. Lake District Cost-Sharing Protocol

Dearlove explained that a procedure was needed for making eligibility determinations for projects that fall outside the state grant program. He pointed out that LRMD-budgeted money did not have state requirements attached to it, and that the Board could allow more flexibility in how it is spent and what would be required in terms of contractual obligations. He said he preferred to set up a funding procedure that would allow him to easily justify future cost-sharing decisions.

Dearlove said he wanted to avoid any perceptions of subjectivity or preferential treatment. He then asked the Board for direction on how it wished to allocate those funds. Board members generally thought that the DNR procedure should be followed in terms of making eligibility determinations and targeting limited funds. However, they also wanted the ability to be more flexible and customer friendly. Molinaro asked Dearlove to prepare a summary of the DNR procedure that is currently used, and to recommend a similar protocol that could be discussed at the next meeting. He also felt that any cost-share decisions outside the state program should probably be brought before the Board for final approval.

F. Wisconsin Lakes Convention

Molinaro reminded the Board about the upcoming Wisconsin Lakes Convention April 28-30th in Green Bay. He and Dearlove will both be giving presentations and getting registration discounts for their participation. The other board members were encouraged to consider attending. He said it's an excellent opportunity to share experiences and exchange ideas with other lake groups, learn about funding opportunities, and become better educated on a variety of lake issues.

G. Set Future Meeting Schedule

Meetings were scheduled as follows: 4/16/05, 5/21/05, 6/18/05, 7/16/05, 8/13/05 (budget hearing), 8/20/05 (annual meeting) and 9/17/05. All meetings would start at 9:00 a.m. at the Oakland Town Hall.

VIII. Correspondence

Molinaro asked Dearlove to review correspondence received since the 12/11/04 meeting that hadn't already been covered.

- Copy of a letter dated 12/14/04 from Attorney Buck Sweeney (representing Allen Howe of Majestic Pines) to Town of Oakland objecting to proposed ordinance amendments relating to Lake Ripley.
- Letter dated 12/14/04 from Dianne Ownes and Paul Elliot posing questions and concerns regarding the monitoring of Allen Howe and his development of the Majestic Pines subdivision.
- Letter dated 01/25/05 from Jefferson County Zoning Department to Allen Howe of Majestic Pines indicating that the new structures in Vasby's Channel were illegally placed and demanding that corrective action be taken by 02/28/05.
- Letter dated 02/02/05 from LRMD to Town of Oakland responding to the Town's proposal to amend Ordinance #36 governing the building inspection process. The letter requested that all erosion control provisions be retained in the ordinance and fully enforced by the new building inspector.
- Copy of a letter dated 02/10/05 from DNR to Dawn Kubly and Ron Buss of Lake Ripley responding to a general pier complaint and clarifying the DNR's positions with respect to pier regulation.

Molinaro added that he received word from the DNR on March 3rd that a permit application was submitted by Allen Howe of Majestic Pines for a 260-ft. pier with 22 boat spots. The proposed location was on the west end of the designated sensitive area and adjacent to the existing marina pier. Molinaro indicated that the proposed pier length would exceed the longest pier on Lake Ripley by about 80 feet. Roger Rude asked if the Board was planning to submit an official position with respect to the application. Rogers felt it would be a good idea to be proactive and not wait for the DNR to make a decision. Sabella cautioned that the Board might not be privy to all the information needed to make an informed judgment. Dearlove agreed to gather additional permit information that was available. There was no other discussion.

IX. Adjournment

Rogers moved to adjourn the meeting at 11:00 a.m. Motion was seconded by McCarthy and there was no further discussion. Motion carried by a 6-0 vote. Next meeting: April 16, 2005 (9:00 a.m. at Oakland Town Hall)

Respectfully Submitted,

John Molinaro, Chair (for Sec. Hoffman) Date

Recorder: PDD